

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAY - 6 2016

David J. Bradley, Clerk

United States of America)

v.)

Bobby Joe Rosa - USC)
YOB: 1986)Case No. *M-16-0871-M*

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 22, 2016 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:Code Section
18 U.S.C. 922(g)(1)Offense Description
Title 18 U.S.C. 922 (g) (1): Unlawful to possess a firearm that had previously traveled in and affected interstate commerce while being a felon previously convicted of a crime punishable by imprisonment exceeding one year.

This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet.*Approved by David A. Lindmark*
[Signature] *5/6/16*

Sworn to before me and signed in my presence.

Date: 05/06/2016*10:45 pm*City and state: McAllen, Texas*Patrick J. Briody*
Complainant's signatureATF Special Agent Patrick Briody
Printed name and title*Peter E. Ormsby*
Judge's signatureU.S. Magistrate Judge Peter Ormsby
Printed name and title

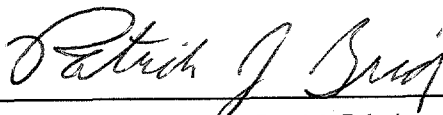
ATTACHMENT A

I, Special Agent Patrick Briody, affiant, do hereby depose and state the following based on firsthand knowledge as well information relayed from other members of law enforcement:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been so employed for six years.
2. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person who is a convicted felon, to possess a firearm that has traveled in and affected interstate or foreign commerce.
3. On April 22, 2016, your affiant and other agents assisted Texas Department of Public Safety Criminal Investigations Division in the service of a state district court issued evidentiary search warrant at the home of Bobby Joe Rosa, 1102 Houston Street, Apartment A, Rio Grande City, Texas. Rosa was located at the residence and arrested on an outstanding arrest warrant. During a search of the home agents located a Smith and Wesson, Model 39-2, 9mm caliber pistol bearing serial number A481632 loaded with 7 rounds of 9mm ammunition.
4. On that same date, your affiant interviewed Abigail Garza who lives with Rosa. After advising Garza of her rights under Miranda, Garza waived them. Garza acknowledged the aforementioned Smith and Wesson pistol and stated that it belonged to Rosa.
5. On that same date, DPS CID investigators conducted a post-Miranda interview of Rosa who claimed possession of the firearm.

ATTACHMENT A

6. Your affiant obtained a copy of Bobby Joe Rosa's November 2, 2006 felony conviction in the 229th Judicial District Court of Starr County, Texas for possession of a controlled substance; penalty group 1.
7. Your affiant, a firearms interstate nexus expert, examined the aforementioned firearm and determined that the firearm was manufactured outside the state of Texas and therefore traveled in and affected interstate commerce if found in Texas.
8. The aforementioned facts are provided for purposes of establishing probable cause and do not reflect the entirety of evidence or facts associated with this case.
9. Based on the aforementioned facts, your affiant believes there is probable cause to charge Bobby Joe Rosa for being a felon in possession of a firearm in violation of Title 18 U.S.C. 922(g)(1).



ATF Special Agent Patrick Briody

Sworn to before me and subscribed in my presence,


U.S. Magistrate Judge Peter Ormsby

05/06/2016
